

SERVICE DATE - APRIL 24, 1997

SURFACE TRANSPORTATION BOARD<sup>1</sup>

DECISION

Finance Docket No. 32404

CENTRAL MICHIGAN RAILWAY COMPANY  
--TRACKAGE RIGHTS EXEMPTION--  
DETROIT & MACKINAC RAILWAY COMPANY

Decided: April 18, 1997

On January 31, 1994, Lake State Railway Company (LSR) filed a petition to revoke the trackage rights exemption in this proceeding. On June 13, 1994, LSR filed a petition requesting that the proceeding be held in abeyance pending conclusion of settlement negotiations between the parties. That request was granted by decision served June 23, 1994. By letter filed July 24, 1995, Central Michigan Railway Company and Detroit & Mackinac Railway Company (applicants) requested that the proceeding continue to be held in abeyance pending arbitration hearings between the parties.

By decision served July 29, 1996, the Board directed LSR to show cause why its petition to revoke should not be dismissed for lack of prosecution. On August 15, 1996, LSR responded, stating that the matters raised in the petition to revoke remained in contention and that the petition should not be dismissed. LSR also requested that the Board not dismiss the proceeding. On August 28, 1996, applicants filed a reply indicating that the arbitration dispute had not been resolved, that neither party wished to dismiss the proceeding until the dispute had been resolved, and that applicants did not object to LSR's request to continue to hold the proceeding in abeyance.

By letter filed April 16, 1997, LSR requests withdrawal of the petition to revoke. LSR states that it reached an agreement with applicants on March 27, 1997, which resolved LSR's concerns regarding the exemption in this proceeding. The request will be granted and the petition to revoke will be dismissed.

*It is ordered:*

1. The petition to revoke is dismissed and the proceeding is discontinued.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

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<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323.